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April 2015 No 854

From: John Wilson ihwilson@rightsandwrong.com.au

Organization: Rights and Wrong

Reply-To: jhwilson@rightsandwrong.com.au

Subject: Chief Justice French BLOCKS FREE ACCESS TO COURTS and I am arrested.

Dear Fellow Freedom Fighters,

As was to be expected, our TRAITOR-JUDGES think they've got the game wrapped up.

I went along to the 23rd Floor, again today, and the middle aged woman working there immediately gave me a large envelope in which I found a letter, my Writ of Summons, Statement of Claim and Affidavit (see that attachment "HCA Rejection").

By the most remarkable coincidence, the High Court of Australia was in session and the room was crowded. so, I walked in and up to "Chief Justice" French and, speaking so everyone could hear, "What's going on here? I'm not allowed to file an action in this court for a Jury to determine whether we have the right to trial by jury. What sort of country is this?" and, turning to the large number of beautifully dressed ladies and gentlemen, told them what had just happened at the front desk. French and his offsiders stood up and departed and I was asked to leave by several Security Guards.

I sat down on one of the chairs just outside the courtroom and after an entertaining exchange of conversation with an increasing number of Security Guards and Sheriffs, I was physically lifted out of my chair, carried to the lift and dumped on its floor. On reaching the ground floor, I was again carried out into the street and placed on a wet park bench in Queen's Square.... etc., etc., etc. I'll have to get the CCTV.

Attached here is the story in the Court Attendance Notice, for anyone interested..... of course, I shall demand Trial by Jury.... and I'm back where I want to be.... IN COURT ... because that's the only place to take on our enemies.

Also, isn't it funny how things happen?.... having a full house in the High Court, right there and then..... it was the first Sydney sitting day for 2015 with a brand new addition of "The Honourable Justice" Geoffrey Arthur Akeroyd Nettle..... almost as if they had been organized for my petit entrance.

And how about this year being the 800th anniversary of Magna

If we can't unseat these "evil counsellors, judges and ministers" who are "endeavouring to subvert and extirpate our laws and liberties", we don't deserve this wonderful country.

Anyone who cannot see that THIS IS WAR is a blind fool.

BANKS v THE PEOPLE...... and the BANKS will continue to STEAL and KILL and DESTROY unless GOOD MEN FIGHT.

The battleground is OUR COURTS the THIEVES and TRAITORS hold these, NOW, but COMMON LAW will TAKE THEM BACK.

MAGNA CARTA LAW...the LAW of the LAND.

"No free man shall be taken indeed imprisoned, or exiled or outlawed, or dispossessed, or destroyed in any way, nor shall we pass over him nor send over him unless by the lawful judgment of his equals which is the law of the land."....

TRIAL BY JURY!

When I was released, the Police Officer said, "I suppose you'll ask for trial by jury."...... I'm going to DEMAND it.

The first witness I will subpoena will be "The Honourable Justice" Robert Shenton French AO.

The JURY will have to be a FULLY INFORMED JURY with the COURAGE of righteous men and women who say the prayer of "So help me God" when they swear the Oath.

We don't need the 4th Box in Defence of Liberty (the AMMO BOX) while we have that 3rd one the JURY BOX.

Our ENEMIES know tha... and "The Honourable Justice" Robert French is doing all he can to deny it to us.... TREASON beyond the shadow of a doubt.

Alan Jones told me, "Forget trial by jury. Forget it."

Brian Wilshire told me, "Forget it, John. The bad guys have already won."

Not in this lifetime!

Yours sincerely,

John Wilson.

PS: From inside the "caged truck", being taken to the Sydney Police Centre at Surry Hills, I could see the street banners on telegraph poles along the way advertising "Les Miserables" with the words, "CAN YOU HEAR THE PEOPLE SIGN".

The earlier email:-

Dear Fellow Freedom Fighters,
TRIAL BY JURY IS DEMOCRACY

MAGNA CARTA says: "No free man shall be taken indeed imprisoned, or exiled or outlawed, or dispossessed, or destroyed in any way, nor shall we pass over him nor send over him unless

i ne ea

From: John Wilson

jhwilson@rightsandwrong.com.au]

Sent: Wednesday, 11 March 2015 6:16 AM

To: John Laws Cc: Mal Davies

Subject: HCA SHOWDOWN: DEMOCRACY OR NOT

by the lawful judgment of his equals which is the law of the land "

DEMOCRACY means that the PEOPLE RULE and the PEOPLE have SOVEREIGNTY ... "the ultimate authority to make and impose laws".

DENYING TRIAL BY JURY is TREASON ... an act intent on overthrowing DEMOCRACY...... absolutely INTOLERABLE!

I have drawn up the paperwork to file into the HIGH COURT of AUSTRALIA for a judgment that the RIGHT to TRIAL BY JURY cannot be denied in any Court in Australia.

It is not a judgment that can be made by any method other than by 12 SOVEREIGN PEOPLE of AUSTRALIA sworn in as JURORS to judge the facts and the law.

I will file this action into the Registry of the HCA on the 23rd floor of the Law Courts Building, Queen's Square, Sydney at 2:00 pm on Thursday the 12th of March, 2015.

Anyone wishing to be there in support will be most welcome.

Attached is the AFFIDAVIT (all ready J.P.'ed) and the STATEMENT OF CLAIM with myself as the Plaintiff and the COMMONWEALTH OF AUSTRALIA as the Defendant.

Of course, we have FREE ACCESS TO COURT ("without impediment of any") and "To no one will we sell, to no one will we deny or delay Right or Justice" (MAGNA CARTA).

I hope all will go off smoothly as those who staff the Registry are ordinary Aussies who, like the rest of us, must want Justice for All and a future for our children.

Yours sincerely, John Wilson. Ph: 0401 413 650.

IN THE HIGH COURT OF AUSTRALIA SYDNEY REGISTRY

No. of 2015
BETWEEN
John Wilson

Plaintiff

and

COMMONWEALTH OF AUSTRALIA Defendant STATEMENT OF CLAIM

I, John Wilson, am the plaintiff in these proceedings into the original jurisdiction of the High Court of Australia in respect to the application of CHAPTER III THE JUDICATURE of the Act to Constitute the Commonwealth of Australia (63 & 64Victoria. Chapter 12)[9th July 1900]."Judicature" is, in fact, "the system for the administration of justice" and "justice" is, in fact, "the protection of rights and the punishment of wrongs".

"The **Proclamation Declaring the Establishment of the Commonwealth** was a <u>royal proclamation</u> made by <u>Queen Victoria</u> on 17 September 1900 federating the six separate <u>British colonies</u> of <u>New South Wales</u>, <u>Queensland</u>, <u>South Australia</u>, <u>Tasmania</u>, <u>Victoria</u> and <u>Western Australia</u> under the name of the <u>Commonwealth of Australia</u>. The authority to issue the proclamation was granted by the <u>Commonwealth of Australia Constitution Act 1900</u>, an Act of the Parliament of the United Kingdom, and was effective from 1 January 1901" - http://en.wikipedia.org/wiki/Proclamation Declaring the Establishment of the Commonwealth of Australia.

And Australia became a COMMONWEALTH with COMMON LAW JURISDICTION with the PEOPLE having SOVEREIGNTY, ie: "the ultimate authority to make and impose laws".

"THE CONSTITUTION" appears in the Act to Constitute the Commonwealth of Australia (63 & 64 Victoria. Chapter 12) [9th July 1900] in Covering Clause 9 to the Preamble, setting up the infrastructure of the Commonwealth.

s.118 of THE CONSTITUTION states that "Full faith and credit shall be given, throughout the Commonwealth to the laws, the public Acts and records, and the judicial proceedings of every State". Thusly, the RIGHTS established and guaranteed by MAGNA CARTA 1297, PETITION OF RIGHTS 1627, HABEAS CORPUS 1640 and BILL OF RIGHTS 1688 continued and remained integral and inalienable in Australia's system for the administration of justice.

"A law in excess of the authority conferred by the Constitution is no law; it is wholly void and inoperative; it confers no rights, it imposes no duties; it affords no protection. {Norton *v*. Shelby

John Wilson

Tel: 0401 413 650

19 Elm Place, North Rocks, NSW 2151

Ref: John Wilson

County, 118 U.S. 425; see note § 447 " Power of the Parliament of a Colony.") The Act itself is binding without limitation or qualification because i t is passed by the sovereign Parliament, but the laws passed by the Parliament of the Commonwealth, a subordinate Parliament, must be within the limits of the delegation of powers or they will be null and void. To be valid and binding -they must be within the domain of jurisdiction mapped out and delimited in express terms, or by necessary implication, in the Constitution itself. What is not so granted to the Parliament of the Commonwealth is denied to it. What is not so granted is either reserved to the States, as expressed in their respective Constitutions, or remains vested but dormant in the people of the Commonwealth." (from "Annotated Constitution of the Commonwealth of Australia"- by Quick & Garran, page 346). The RIGHT to TRIAL BY JURY has been "guaranteed for ever" by MAGNA CARTA and is beyond the jurisdiction of any Parliament to revoke or diminish it.

However, this RIGHT to TRIAL BY JURY is denied in the Courts and other Tribunals throughout the Commonwealth of Australia. This is INTOLERABLE.

This is FRAUD and "fraud" is "deceit, trickery, sharp practice, or <u>breach</u> of confidence, perpetrated for profit or to gain some unfair or dishonest advantage".

Indeed it is a BREACH OF TRUST committed by Members of the JUDICIARY, Members of the PARLIAMENT, and by the CROWN because Her Majesty Queen Elizabeth the Second, at her Coronation, promised to "execute Law and Justice with Mercy in all her Judgments"

I have experienced this Denial of my RIGHTS on ever occasion I have attended Court and suffered many INJUSTICES, as a result. On my website of http://www.rightsandwrong.com.au are to be found Court Transcripts and Judgments, as evidence of this

Tuesday the 3rd of April 2007, a hearing was conducted in the FEDERAL MAGISTRATES COURT OF AUSTRALIA in the matter of SYG179 of 2006 brought by DEPUTY COMMISSIONER OF TAXATION against the Plaintiff, John Wilson, in which FEDERAL MAGISTRATE DRIVE denied the plaintiff, John Wilson, his inalienable Right to Trial by Jury. Whenever I have CHALLENGED THE JURISDICTION OF THE COURT..... and that was many times in various Courts this legal procedure was, like my legal rights, DISREGARDED when Magistrates and Judges violated the RULES OF NATURAL JUSTICE. This occurred on Tuesday the 3rd of April 2007.

Clause 39 of MAGNA CARTA says, "No free man shall be taken indeed imprisoned, or exiled or outlawed, or dispossessed, or destroyed in any way, nor shall we pass over him nor send over him, unless by the lawful judgment of his equals which is the law of the land" which is the word-for-word translation of

"Nullus liber homo capitur vel imprisonetur, aut disseisiatur, aut utlagetur, aut exuletur, aut aliquo modo destruatur, nec super eum ibimus, nec super eum mittemus, nisi per legale judicium parium suorum vel per legem terrae." which encircles the dome of the Rotunda at the MAGNA CARTA MONUMENT in Canberra.

So essential to the preservation of Truth, Justice, Freedom and Democracy is the Right to Trial by Jury, that any denial of this Right constitutes Treason against the People of Australia. No Federal or State Parliament can abolish or diminish this Right protecting Life, Liberty and Property.

It is the duty and responsibility of Jurors to judge the facts and law presented to them, so that they can administer Justice to all parties in any action.

In any action, unless a Court obtains the clear and unequivocal consent of all parties to be without a Jury, that Court has no Jurisdiction to proceed summarily and any such awards, doings and proceedings shall be held to be null and void.

At the MAGNA CARTA MONUMENT appears one plaque saying, "Magna carta is now seen as a traditional mandate for trial by jury, justice for all, accountable government and nor arbitrary imprisonment".

MAGNA CARTA LIBERATUM is THE GREAT CHARTER OF LIBERTIES OF ENGLAND with the words, "liber homo", "free man", as its central focus, theme and spirit.

To be "free" is to "enjoy personal rights or <u>liberty</u>, as a person who is not in slavery: *a land of free people.; to* exist under, characterized by, or possessing civil and political liberties that are, as a rule, constitutionally guaranteed by <u>representative government</u>: the free nations of the world.

The antonym of "free" is "slave(prenominal) (vs. free); bond, enslaved, enthralled, in bondage; servile (prenominal)".

When someone is denied their RIGHT to TRIAL BY JURY, they are a SLAVE and the Court and other Tribunals of Australia are practicing SLAVERY.

The enforcement of SLAVERY is never so clear carried out than how BANKRUPTCY is effected in the Courts of Australia.

Under section 270.1 of the Criminal Code Act 1995, the definition of slavery is: "is the condition of a person over whom any or all of the powers attaching to the right of ownership are exercised, including where such a condition results from a debt or contract made by the person. And, in section 270.2, it says: "Slavery is unlawful."

With SLAVERY, a slave has NO RIGHT of CONSENT; NO RIGHT to PROPERTY; and NO RIGHT to TRIAL BY JURY.

ALL COURT-ENFORCED BANKRUPTCIES ARE ILLEGAL

Bankruptcy means being declared insolvent or unable to pay creditors. If an individual or a <u>corporation voluntarily</u> declares bankruptcy, they can contract with an insolvency practitioner and sequestrate their estate over to them for safekeeping to keep possession, take the rents, issues and profits into their own hands. The agent/trustee can only execute transactions with the consent of the self-imposed bankrupt for the duration of the contract.

If an individual or corporation denies they are bankrupt and does not voluntarily declare it, then, for dispossession to occur, claiming creditors must go to Court to seek (1) a Bankruptcy Judgment and (2) a Sequestration Order. But, in Australia, there are NO BANKRUPTCY JUDGMENTS made in any Courts. Instead, bankruptcy is declared as an "Administrative Decision" by a Civil Servant in a statutory body called "ITSA" (the Insolvency and Trustee Services Australia) and a Court is only used to enforce that decision with a Sequestration Order. SEQUESTRATION is a Writ of Commission called a

"Certificate of Appointment of Trustee", to enter upon the real or personal estate of the defendant, and to take the rents, issues and profits into their own hands, and keep possession of, or pay the same as the court shall order and direct, until the party who is in contempt shall do that which he is enjoined to do, and which is specially mentioned in the writ.

The RULE OF LAW in Australia is that, "No Free Man shall be taken indeed imprisoned, or exiled or outlawed, or dispossessed, or destroyed in any way, nor shall we pass over him nor send over him, unless by the lawful judgment of his equals which is the law of the land." (Magna Carta 1215 - which is an entrenched Constitutional Enactment and Common Law). In Australia, the People have that inalienable right to Trial by Jury. However, Australian Courts are "Kangaroo Courts" because they "act unfairly or dishonestly or disregard legal rights or disregard legal procedures".

When DUE PROCESS is disregarded, then "the awards, doings and proceedings to the prejudice of your people in any of the premises shall not be drawn hereafter into consequence or example." (Petition of Right 1627 – which is also an entrenched Constitutional Enactment and Common Law, as is Habeas Corpus 1641 which abolished the Star Chamber).

Sequestration Orders issued without the benefit of Trial by Jury are FALSE INSTRUMENTS for which the punishment is "imprisonment for 5 years" (Crimes Act 1900).... not forgetting that every instance of the denial of Trial by Jury is similarly punishable by "a term of not more than 5 years" (Imperial Acts Application Act 1969).

A SLAVE has NEITHER the RIGHT of CONSENT, NOR to PROPERTY, and NOR to TRIAL BY JURY. ARE YOU A SLAVE or ARE YOU A FREE MAN? Written by John Wilson, http://www.rightsandwrong.com.au

This action I now bring to the HIGH COURT OF AUSTRALIA must NOT and can NOT be determined by any other TRIBUNAL than a JURY of twelve of my EQUALS who are competent, independent and impartial. Their unanimous JUDGMENT will be a COMMON LAW JUDGMENT and, because Australia is a DEMOCRACY, that will NULLIFY any BAD Acts of Parliament which are against COMMON RIGHT.

CLAIM:

1. THAT, the Courts and Tribunals throughout the Commonwealth of Australia are practicing SLAVERY whereby free men and women are held to be SLAVES by virtue of the fact that they are denied their inalienable COMMON LAW RIGHT to TRIAL BY JURY.

RELIEF:

- **1.** THAT the HIGH COURT OF AUSTRALIA issue a PUBLIC DECLARATION confirming the RIGHT to TRIAL BY JURY is the RULE OF LAW throughout the Commonwealth of Australia for the benefit of all free men and women.
- **2.** THAT the HIGH COURT OF AUSTRALIA, in that same PUBLIC DECLARATION, confirm that the denial of the RIGHT TO TRIAL BY JURY to any free man or woman by any person holding plea in the Courts and Tribunals of Australia, is punishable by imprisonment for 5 years.

This	writ	was	filed	by	the	plaintiff.
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Dated:				
Plaintif	ŕ·			

The plaintiff's address is 19 Elm place, North Rocks, NSW 2151. The plaintiff's address for service is 19 Elm Place, North Rocks, NSW 2151.

Querulants - What makes a litigant turn vexatious?

SAM BUNGEY

New South Wales recently added a 29thname to its register of vexatious litigants: Mohammad Tabibar Rahman, a former school teacher. The law is supposed to curb the incorrigibly litigious, but it has barely caused Rahman, or many of the dedicated individuals on such lists, to break stride.

The short and well-groomed Rahman seems even smaller here in the gloom of spacious level 10 at the NSW Supreme Court in Sydney, as he looks for someone with whom to discuss documents he lodged the previous week.

After a 30-minute wait, a bristly barrister appears behind some plexiglass.

"You're a waste of time, Mr Rahman," he says.

"You don't have the right," counters Rahman, his voice breaking.

"Goodbye," bellows the barrister with a dismissive wave, ordering his assistant to call security. Soon four sheriff's officers arrive to escort us from the building. In the lift, hemmed in by the polite but insistent officers, Rahman turns to me.

"You see why?" he says.

I had asked what on earth drives him to keep doing this. In 2001, Rahman, originally from Bangladesh, failed an English-language test required for teaching in NSW. Chalking this up to racial bias, he decided to fight the decision, first with the Anti-Discrimination Board and then in court. One lost case led to another, and he came to believe that the justice system was riddled with racism and corruption. Further disputes involved a speeding fine, a failed job application, and his suspension from the University of Technology Sydney – where he was studying law – for fighting with the faculty. He tried to sue his own lawyers. In all, he initiated dozens of unsuccessful legal cases over the course of a decade.

Rahman, whose wife died a few years ago in a traffic accident, is now primarily devoted to litigating. In what little spare time he has, he reads the Koran, tends to his fruit trees and studies law, making do on a few hours' sleep a night. As a vexatious litigant, he will now need special leave to begin legal proceedings in NSW, but there is, he claims, still the International Criminal Court to consider. Though he has been declared bankrupt and lost one of his houses, he carries on with tireless, doomed determination.

The British lord chief justice Thomas Bingham observed that the vexatious litigant keeps on when "on any rational and objective assessment, the time has come to stop". Australian judge Nye Perram identified "the capacity to endure failure beyond the point at which a rational person would abandon the field".

There are fewer than 100 vexatious litigants in Australia. According to Grant Lester, a forensic psychiatrist who has studied the field extensively, courts are loath to make the declaration in any but the most extreme cases.

"To manage to be made a vexatious litigant, you have to be the crème de la crème," he says. "Your most sacrosanct right is to have your day in court."

Lester and fellow Melbourne-based forensic psychiatrist Paul Mullen have led the recent revival of a 19th-century diagnosis of "querulous paranoia" for people for whom some minor wrong has become an all-consuming obsession. Lester says about half of those on vexatious litigants lists have the personality disorder.

According to Lester, the typical querulant is a man in middle age who often has a family and has held down a steady job, but who is entering a period of self-reflection when he receives "a blow to his senses". Property disputes, divorce and claims of workplace racism are common themes.

"Something begins to click in this individual," says Lester. "That particular dispute echoes their past experience, and begins to mean something about self-value." They start to carry around bags of paperwork. They use exclamation marks in groups of three. They tend to "delight in the use of multiple colour highlighter pens".

Taking a stand isn't worth it, we tell ourselves, and anyway, it is bound to fail. The vexatious litigant rejects this premise.

Querulants are made, says Lester, not born. "The right series of events could trigger it in anyone. Some are more vulnerable than others, but there's a bit of the querulous in each of us."

Lester emphasises that the term does not apply to social reformers and campaigners with a public interest agenda. Its relative obscurity today is due in part to the misdiagnosis of such people in the past. In the Soviet Union, the KGB silenced political dissenters with punitive psychiatry: having them declared mentally unwell. Of course, many vexatious litigants, Rahman included, maintain that they are fighting not for themselves but for the common good.

The first example of vexatious litigant legislation, passed in Britain in 1896, had its detractors. One member of parliament worried at the time that the bill was "practically shutting the doors of all Courts of Justice to particular subjects of the Queen ... because one individual had made himself somewhat obnoxious in bringing proceedings".

John Wilson, a former dentist, is someone Lester might call the crème de la crème. After serving in Vietnam, Wilson settled down with his wife and opened a practice in Sydney's North Rocks. Then one day, in 1996, the repayments on his business loan went up.

Wilson had a seven-year loan with St George Bank, which began at a fixed rate. To Wilson's surprise, the loan switched to a variable rate for the final two years. Wilson wasn't in financial difficulty; in fact, he says his practice was thriving, and he could well afford the slight hike in his monthly repayments. But for Wilson it was the principle of it. He just didn't believe in variable-rate loans.

The dentist brought a lawsuit against the bank, calling for the abolition of variable-rate loans. Unsurprisingly, he lost. Then he sued the sheriff's office, several judges, the state, the board of dentists, and the then premier of NSW. In one case he sought \$150 million in damages, and he took to petitioning the Queen. After he attacked a Supreme Court judge with bags of yellow paint, Wilson did a three-month stretch at Silverwater Correctional Complex.

"Better them than me be put in jail, but I'll put up with anything," Wilson says brightly, over a glass of lemon squash. Wilson was finally declared a vexatious litigant in 2010; he tried to appeal the decision, unsuccessfully. Now 71, he still regularly turns up at the Supreme Court to hand out flyers demanding a return to the principles of the Magna Carta and a trial by jury in every matter. "It's exciting," he says. "You've got to live every moment."

There are periodic attempts to strengthen state laws relating to vexatious litigants, and to introduce a national register, to help stem the excessive use of time and resources. But Simon Smith, an adjunct senior research fellow at Monash University and the author of *Maverick Litigants*, is having none of it. He argues that behind such drives there is an aversion to dealing with citizens who represent themselves, "litigants in person".

"The push [to strengthen the laws] is really from civil servants and some irascible judges who see litigants in person as interfering with the natural order of barristers in wigs," says Smith. "If they were really serious about waste of courts' resources, they would do something about the sometimes scandalous use of the courts by the corporate sector for their strategic games."

The Canadian judge Yves-Marie Morissette says a vexatious litigant's initial complaint is often "a 'platonic injustice' – a loss, an injury or an indignity which, in law, does not entitle the prejudiced party to reparation". These are the grievances the rest of us simply accept as a cost of doing business in life. We might grumble about a suspiciously high water bill, say, but even a strongly worded letter to the water company is usually too much fuss. In the cost–benefit analysis, taking a stand isn't worth it, we tell ourselves, and anyway, it is bound to fail. The vexatious litigant rejects this premise.

"Arguably, it is not that VLs cannot grasp reality, but that they refuse to accept reality's presumptions," writes the UK-based

academic Didi Herman. "I prefer to see their continued failure to give up in a more positive light - as evidence of their commitment to the ideals of justice."

Back out on the steps of the Supreme Court, Rahman is eagerly discussing his case with one of the men who just removed him, a sympathetic sheriff's officer named Michael.
"I applaud you in your efforts, Mr Rahman. You're obviously a

learned man," says Michael finally. Unaware that his guidance is

coming too late, he adds: "One piece of advice I have for everybody, though, is to maintain respect and courtesy. Because the worst situation is, they can declare you a vexatious litigant. Then that's it, game over.'

Sam Bungey is the editor of the Racket and a contributor to This American Life and the Saturday Paper.

http://www.themonthly.com.au/issue/2014/july/14041 78149/sam-bungey/querulants

IN THE HIGH COURT OF AUSTRALIA SYDNEY REGISTRY

No.

of 2015

BETWEEN:

John Wilson Plaintiff

and

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Commonwealth of Australia Defendant

AFFIDAVIT

I, John Wilson of 19 Elm Place, North Rocks, in the State of New South Wales, say on oath:

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- 1. I am the Deponent.
- 2. The confirmation and preservation of the Rights of the People of Australia are of inestimable National Importance, especially the Right to Trial by Jury and the denial of that Right is an act to overthrow the Sovereignty of the People that is, in fact Treason.
- 3. This year, 2015 A.D., is the 800th Anniversary of the Sealing of Magna Carta, the Great Charter of Liberty, that is the foundation of Democracy.

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- 4. I readily admit I am a "Whistle Blower" when it comes to corruption that injures innocent People.
- 5. When I realized that Banks were obtaining money by using illegal loan contracts, i.e.: "variable interest rates render a contract void for uncertainty", and having those victims illegally summarily dispossessed through Australian Courts, I launched into a campaign to redress those wrongs. However, to my amazement, I found that Australian Judges and Magistrates lied and perverted the Course of Justice to conceal this Contract Fraud.

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- 6. Then I tried to secure Trial by Jury believing that ordinary People would do right where the Australian Judiciary failed in their Duty of Care and become complicit in the criminality of the Banks.
- 7. That path, too, has been denied.

Moe leval JP 145713

- I truly believe, like Sir William Blackstone and Thomas Jefferson, that Trial by Jury is essential for the Administration of Justice and the Preservation of our Commonwealth.
- 9. I have written out a Statement of Claim for these proceedings to tell of how the persistent denying of Trial by Jury has caused tremendous injury to me. However, the full devastation wrought by disregarding this inalienable Right plus the disregarding of proper legal procedures, especially when there is a Challenge to the Jurisdiction of the Court, have created, in our Australian Courts, an intolerable situation worse than did exist with the Star Chamber outrage than was terminated by the passing of "Charles I, 1641: An Act for [the Regulating the Privie Councell and for taking away the Court commonly called the Star Chamber" that invoked Magna Carta. Annexed hereto and marked "A" is a copy of that particular legislation which is a "Constitutional Enactment" in Australia and has been in force since 25 July 1828.
- 10. I, too, invoke Magna Carta because I truly believe that the passage in Magna Carta which establishes the principles of Justice for All is this: "Nullus liber homo capitur vel imprisonetur, aut disseisiatur, aut utlagetur, aut exuletur, aut aliquo modo destruatur, nec super eum ibimus, nec super eum mittemus, nisi per legale judicium parium suorum vel per legem terrae." When translated into English, it reads: No free man shall be taken indeed imprisoned, either dispossessed, or outlawed, or exiled, or in any manner destroyed, nor pass over him, nor send over him, except by means of the lawful judgment of his own equals indeed the law of the land."
- 11. "vel per legem terrae" ... "indeed the law of the land". Trial by Jury is the Palladium of Liberty". A Jury is constituted by 12 "liber homo", i.e.: 12 "free men", who are "competent, independent and impartial". Their "judicium", i.e.: "judgment", is the "legem", i.e.: "law", of "terrae", i.e.: "the land".
- Whereas, "legem mare", i.e.: "the law of the sea", may require summary
 judgments be carried out by the Commander of a ship, "legem terrae" mandates
 Trial by Jury.
- 13. I truly believe "that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness" (from the American Declaration of Independence).
- 40 14. I truly believe that all men and women are sovereign human beings with the inalienable rights of Consent, of Property and of Trial by Jury.
 - 15. I truly believe that it is wrong to entertain the notion of "He who has the gold makes the law" and that "the love of money is the root of all evils" (1 Timothy 6:10).

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- 16. I truly believe that "Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind. This is the great and first commandment. And a second like it is this, Thou shalt love thy neighbor as thyself. On these two commandments hangeth the whole law and the prophets. (Matthew 22: 37-40)
- 17. At the Magna Carta Monument in Canberra, one plaque reads: "Magna carta is now seen as a traditional mandate for trial by jury, justice for all, accountable government and no arbitrary imprisonment". This I truly support.
- 10 18. Sir William Blackstone (1723 – 1780) warned of the perils and consequence of the subversion and/or extirpation of the Right to Trial by Jury with these words: "UPON these accounts the trial by jury even has been, and I trust ever will be, looked upon as the glory of the English law. And, if it has so great an advantage over others in regulating civil property, how much must that advantage be heightened, when it is applied to criminal cases! But this we must refer to the ensuing book of these commentaries: only observing for the present, that it is the most transcendent privilege which any subject can enjoy, or with for, that he cannot be affected either in his property, his liberty, or his person, but by the unanimous consent of twelve of his neighbours and equals. A constitution, that I 20 may venture to affirm has, under providence, secured the just liberties of this nation for a long succession of ages. And therefore a celebrated French writer 4, who concludes, that because Rome, Sparta, and Carthage have lost their liberties, therefore those of England in time must perish, should have recollected that Rome, Sparta, and Carthage, were strangers to the trial by jury." - from the "COMMENTARIES ON THE LAWS OF ENGLAND" by Sir William Blackstone, p 379, Chapter 23, Volume 3.
 - This passage from Sir William Blackstone leaves no doubt that the denial of the Right to Trial by Jury is of National Importance.
 - 20. I truly believe that the Commonwealth of Australia cannot survive without Free Men and Women having the Right to Trial by Jury without impediment.
 - 21. I truly believe that, should a Free Man or Woman not wish to avail himself or herself to the benefit of Trial by Jury but to allow another method for the determination of an action, he or she might choose to enter into a contractual arrangement with a person such as an Officer of a Court, eg: a Judge or a Magistrate, by signing a Memorandum of Consent because "The consent to be tried summarily must be clear and unequivocal and failure to carry out the procedures for obtaining the consent will deprive the court of jurisdiction to determine the matters summarily" (Halsbury's Laws of Australia [130-13460]).
 - 22. I truly believe that Magna Carta enshrines the Right to Trial by Jury to all free men and women. Petition of Right 1627 is another Australian Constitutional Enactment that enshrines the Right to Trial by Jury with the words: "All which

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they most humbly pray of your most excellent Majesty as their rights and liberties according to the laws and statutes of this realm, and that your Majesty would also vouchsafe to declare that the awards, doings and proceedings to the prejudice of your people in any of the premises shall not be drawn hereafter into consequence or example."

- A slave is not a free man.
- 24. Slavery is intolerable.
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26. I have continued to campaign to educate People as to their inalienable Right to Trial by Jury and annexed hereto and marked "B" is a copy of one of the leaflets I distribute.

The Right to Trial by Jury is the Prohibition of Slavery.

- 27. The matter of the Right to Trial by Jury is of such National Importance that this action must be determined by a Jury in the High Court of Australia because the People have Sovereignty, i.e.: "the ultimate authority to make and impose laws".
- 28. The disregard and rejection of the Right to Trial by Jury by the Australian Judiciary took place in the High Court of Australia on Friday 16th April 1999 and annexed hereto and marked "C" is a copy of the Transcript on that occasion.
- 29. Let Right be done.

	30. So help me God.	1
30	Sworn at Supreme Court of NSW on 09 MARCH 2015 before me (Justice of the Peace/Solicitor) 145	John Wilson

In the presence of an authorised witness who states:

I, Gavin D. Moehead a JP in NSW certify the following matters concerning the making of this statutory declaration (cross out any text that does not apply)

1.*I saw the face of the person OR

I did not see the face of declarant/deponent because he/she had a special justification for not removing it (any legitimate medical reason)

2.*I-have know the person for at least 12 months OR-

I confirmed the person's identity using an identity document and the

Document I relied upon was NSW Photo Number Card expry 07 07 2015.
Signature of authorized Mochand Date: 09 MARCH 2015

GAVIN DOUĞDAS MOÉHEAD Justice of the Peace Registration 145/13 in and for the State of New South Wales, Australia



Charles I, 1641

An Act for [the Regulating the Privie Councell and for taking away the Court commonly called the Star Chamber.

Magna Charta, 9 H. III. c. 29.; 5 E. III. c. 9.; 25 E. III. st. 5. c. 4.; 28 E. III. c. 3.; 42 E. III. c. 3.; 36 E. III. c. 15.; 3 H. VII. c. 1.; 21 H. VIII. c. 20.; All Matters examinable in the Star Chamber may be examinable and redressed by the Common Law; Council Table has assumed a Power contrary to Law.; Court of Star Chamber and all its Powers dissolved.

Whereas by the Great Charter many times confirmed in Parliament It is Enacted That no Freeman shall be taken or imprisoned or disseised of his Freehold or Liberties or Free Customes or be Outlawed or exiled or otherwise destroyed and that the King will not passe upon him or condemn him but by lawfull Judgement of his Peers or by the Law of the Land And by another Statute made in the fifth yeare of the Reigne of King Edward the Third It is Enacted That no Man shall be attached by any accusation nor fore judged of Life or [Lim (fn. 2)] nor his Lands Tenements Goods nor Chattels seised into the Kings hands against the forme of the Great Charter and the Law of the Land And by another Statute made in the five and twentieth yeare of the Reigne of the same King Edward the Third It is accorded assented and established That none shall be taken by petition or suggestion made to the King or to his Councell unlesse it be by Indictment or Presentment of good and lawfull People of the same Neighbourhood where such deeds be done in due manner or by Processe made by Writ Originall at the Common Law and that none be put out of his Franchise or Freehold unlesse he bee duly brought in to answer and forejudged of the same by the course of [the (fn. 3)] Law and if any thing be done against the same it shall be redressed and holden for none And by another Statute made in the eight and twentieth yeare of the Reigne of the same King Edward the Third It is amongst other things Enacted That no Man of what Estate or condition soever he be shall be put out of his Lands or Tenements nor taken nor imprisoned nor disinherited without being brought in to answer by due Processe of Law And by another Statute made in the two and fourtieth yeare of the Reigne of the said King Edward the Third It is enacted That no Man be put to answer without presentment before Justices or matter of Record or by due Processe and Writ Originall according to the old Law of the Land and if any thing be done to the contrary it shall be void in Law and holden for errour And by another Statute made in the six and thirtieth yeare of the same King Edward the Third It is amongst other things Enacted That all Pleas which shall be pleaded in any Courts before any the Kings Justices or in his other places or before any of his other Ministers or in the Courts and places of any other Lords within the Realm shall be entered and inrolled in Latine And whereas by the Statute made in the third yeare of King Henry the seaventh power is given to the Chancellour the Lord Treasurer of England for the time being and the Keeper of the Kings Privie Seale or two of them calling unto them a Bishop and a Temporall Lord of the Kings most honourable Councell and the two chiefe Justices of the Kings Bench and Common Pleas for the time being or other two Justices in theire absence to proceed as in that Act is expressed for the punishment of

THIS IS THE ANNEXUME INCLUDED IT A IT REFERRED TO IN THE AFFIDAVIT OF JOHN WILLSON SWORN AT SYDNEY
THIS 09 DAY (5 pages)
BEFORE ME
JUSTICE OF THE PEACE/SOLICITOR.

some particular offences therein mentioned And by the Statute made in the one and twentieth yeare of King Henry the eighth The President of the Councell is associated to joyne with the Lord Chancellour and other Judges in the said Statute of the third of Henry the seaventh mentioned But the said Judges have not kept themselves to the points limited by the said Statute but have undertaken to punish where no Law doth warrant and to make Decrees for things having no such authoritie and to inflict heavier punishments then by any Law is warranted And forasmuch as all matters examinable or determinable before the said Judges or in the Court commonly called the Star Chamber may have theire proper remedy and redresse and theire due punishment and correction by the Common Law of the Land and in the ordinary course of Justice elsewhere And forasmuch as the reasons and motives inducing the erection and continuance of that Court doe now cease and the Proceedings Censures and Decrees of that Court have by experience beene found to be an intollerable burthen to the subjects and the meanes to introduce an Arbitrary Power and Government And forasmuch as the Councell Table hath of late times assumed unto it selfe a power to intermedle in Civill causes and matters onely of private interest betweene party and party and have adventured to determine of the Estates and Liberties of the subject contrary to the Law of the Land and the Rights and Priviledges of the subject by which great and manifold mischeifes and inconveniencies have arisen and happened and much incertainty by meanes of such proceedings hath beene conceived concerning Mens Rights and Estates For setling whereof and preventing the like in time to come. Be it Ordained and Enacted by the Authority of this present Parliament That the said Court commonly called the Star Chamber and all Jurisdiction Power and Authority belonging unto or exercised in the same Court or by any the Judges Officers or Ministers thereof be from the first day of August in the yeare of our Lord God one thousand six hundred fourty and one cleerely and absolutely dissolved taken away and determined and that from the said first day of August neither the Lord Chancellour or Keeper of the Great Seale of England the Lord Treasurer of England the Keeper of the Kings Privie Seale or President of the Councell nor any Bishop Temporall Lord Privy Councellor or Judge or Justice whatsoever shall have any power or authoritie to heare examine or determine any matter or thing whatsoever in the said Court commonly called the Star Chamber or to make pronounce or deliver any Judgement Sentence Order or Decree or to doe any Judiciall or Ministeriall Act in the said Court And that all and every Act and Acts of Parliament and all and every Article Clause and Sentence in them and every of them by which any Jurisdiction power or authority is given limited or appointed unto the said Court commonly called the Star Chamber or unto all or any the Judges Officers or Ministers thereof or for any proceedings to be had or made in the said Court or for any matter or thing to be drawn into question examined or determined there shall for so much as concerneth the said Court of Star Chamber and the Power and Authoritie thereby given unto it be from the said first day of August repealed and absolutely revoked and made void.

From: 'Charles I, 1640: An Act for [the Regulating the Privie Councell and for taking away the Court commonly called the Star Chamber.', Statutes of the Realm: volume 5: 1628-80 (1819), pp. 110-12. URL: http://www.britishhistory.ac.uk/report.asp?compid=47221. Date accessed: 24 September 2007.

II. Like Jurisdiction in several other Courts repealed and taken away.No Court or Council to have the like Jurisdiction.

[And be it likewise Enacted That the like Jurisdiction now used and exercised in the Court before the President and Councell in the Marches of Wales and also in the Court before the President and Councell established in the Northern parts And also in the Court commonly called the Court of the Dutchy of Lancaster held before the Chancellor and Councell of the Court And alsoe in the Court of Exchequer of the Countie Palatine of Chester held before the Chamberlaine and Councell of that Court The like Jurisdiction being exercised there shall from the said first day of August one thousand six hundred fourty and one be also repealed and absolutely revoked and made void Any Law prescription custome or Usage Or the said Statute made in the third yeare of King Henry the seventh Or the Statute made the one and twentieth of Henry the eighth Or any Act or Acts of Parliament heretofore had or made to the contrary thereof in any wise notwithstanding And that from henceforth no Court Councell or place of Judicature shall be erected ordained constituted or appointed within this Realme of England or Dominion of Wales which shall have use or exercise the same or the like Jurisdiction as is or hath beene used prActised or exercised in the said Court of Star Chamber. (fn. 4)]

III. The King or his Privy Council shall have no Jurisdiction over any Man's Estate. Be it likewise declared and Enacted by Authoritie of this present Parliament That neither his Majestie nor his Privie Councell have or ought to have any Jurisdiction power or authority by English Bill Petition Articles Libell or any other arbitrary way whatsoever to examine or drawe into question determine or dispose of the Lands Tenements Hereditaments Goods or Chattels of any the subjects of this Kingdome But that the same ought to be tried and determined in the ordinary Courts of Justice and by the ordinary course of the Law.

From: 'Charles I, 1640: An Act for [the Regulating the Privie Councell and for taking away the Court commonly called the Star Chamber.', Statutes of the Realm: volume 5: 1628-80 (1819), pp. 110-12. URL: http://www.british-history.ac.uk/report.asp?compid=47221. Date accessed: 24 September 2007.

IV. Great Officers and others offending:

First Offence, Penalty £500.; Second Offence, Penalty £1000.; Third Offence, Disabled.

And be it further provided and Enacted. That if any Lord Chancellor or Keeper of the Great Seale of England Lord Treasurer Keeper of the Kings Privy Seale President of the Councell Bishop Temporall Lord Privy Councellour Judge or Justice whatsoever shall offend or doe any thing contrary to the purport true intent and meaning of this Law [Then he or they shall for such offence forfeit the sum of five hundred pounds of lawfull Money of England unto any party grieved his Executors or Administrators who shall really prosecute for the same and first obtain Judgement thereupon to be recorded in any Court of Record at Westminster by Action of Debt Bill Plaint or Information wherein no Essoine Protection Wager of Law Aid Prayer Priviledge Injunction or Order of Restraint shall be in any wise prayed granted or allowed nor any more then one Imparlance And if any person against whom any such Judgment or Recovery shall be had as aforesaid shall after such Judgement or Recovery offend againe in the same then he or they for such offence shall forfeit the sum of one thousand pounds of lawfull Money of England unto any party greived his Executors or Administrators who shall really prosecute for the same and first obtain Judgement thereupon to be recorded in any Court of Record at Westminster by Action of Debt Bill Plaint or Information in which no Essoine Protection Wager of Law Aid Prayer Priviledge Injunction or Order of Restraint shall be in any wise prayed granted or allowed nor any more than one Imparlance And if any Person against whom any such second Judgement or Recovery shall be had as aforesaid shall after such Judgement or Recovery offend againe in the same kind (fn. 4)] and shall be thereof duly convicted by Indictment Information or any other lawfull way or meanes that such Person soe convicted shall be from thenceforth disabled and become by vertue of this Act incapable Ipso fActo to beare his and theire said Office and Offices respectively and shall be likewise disable to make any Gift Grant Conveyance or other disposition of any his Lands Tenements Hereditaments Goods or Chattels or to take any benefit of any Gift Conveyance or Legacy to his owne use.

V. Treble Damages to the Party grieved.

And every person so offending shall likewise forfeit and loose unto the Party grieved by any thing done contrary to the true intent and meaning of this Law his trebble damages which he shall sustain and be put unto by meanes or occasion of any such Act or thing done the same to be recovered in any of His Majesties Courts of Record at Westminster by Action of Debt Bill Plaint or Informac[i]on wherein no Essoine Protection Wager of Law Aid Prayer Priviledge Injunction or Order of Restraint shall be in any wise prayed granted or allowed nor any more then one Imparlance

From: 'Charles I, 1640: An Act for [the Regulating the Privie Councell and for taking away the Court commonly called the Star Chamber.', Statutes of the Realm: volume 5: 1628-80 (1819), pp. 110-12. URL: http://www.british-history.ac.uk/report.asp?compid=47221. Date accessed: 24 September 2007.

VI. Every Person committed contrary to this Act shall have an Habeas Corpus for the ordinary Fees.

Cause of Detainer certified by Sheriff, &c. and thereupon Court to proceed.; Default by Judge, &c.; Damages.

And be it alsoe provided and Enacted That if any person shall hereafter be committed restrained of his Libertie or suffer imprisonment [by the Order or Decree of any such Court of Star Chamber or other Court aforesaid now or at any time hereafter having or pfreltending to have the same or like Jurisdiction power or authoritie to commit or imprison as aforesaid Or by the command or Warrant of the Kings Majestie his Heires or Successors in theire owne Person or by the Command or Warrant of the Councell board or of any of the Lords or others of his Majesties Privy Councell (fn. 4) That in every such case every Person so committed restrained of his libertie or suffering imprisonment upon demand or motion made by his Councell or other imployed by him for that purpose unto the Judges of the Court of Kings Bench or Common Pleas in open Court shall without delay upon any pretence whatsoever for the ordinary Fees usually paid for the same have forthwith granted unto him a Writ of Habeas Corpus to be directed generally unto all and every Sheriffs Gaoler Minister Officer or other Person in whose custody the party committed or restrained shall be [and the Sheriffs Gaoler Minister Officer or other p[er]son in whose custody the p[er]ty so committed or restrained shall be (fn. 5) I shall at the return of the said Writ & according to the command thereof upon due and convenient notice thereof given unto him [at the charge of the party who requireth or procureth such Writ and upon securitie by his owne bond given to pay the charge of carrying back the prisoner if he shall be remanded by the Court to which he shall be brought as in like cases hath beene used

such charges of bringing up and carrying backe the prisoner to be alwaies ordered by the Court if any difference shall arise thereabout (fn. 4)] bring or cause to be brought the body of the said party so committed or restrained unto and before the Judges or Justices of the said Court from whence the same Writ shall issue in open Court and shall then likewise certifie the true cause of such his deteinor or imprisonment and thereupon the Court within Three Court dayes after such return made and delivered in open Court shall proceed to examine and determine whether the cause of such commitment appearing upon the said return be just and legall or not and shall thereupon do what to justice shall appertaine either by delivering bailing or remanding the prisoner And if any thing shall be otherwise wilfully done or omitted to be done by any Judge Justice Officer or other person aforementioned contrary to the direction and true meaning hereof That then such person so offending shall forfeit to the party grieved his trebble damages to be recovered by such meanes and in such manner as is formerly in this Act limited and appointed for the like penaltie to be sued for and recovered

VII. To what Courts this Act shall extend.

Provided alwaies and be it Enacted That this Act and the severall Clauses therein contained shall be taken and expounded to extend only to the Court of Star Chamber and to the said Courts holden before the President and Councell in the Marches of Wales and before the President and Councell in the Northern parts and alsoe to the Court commonly called the Court of the Dutchy of Lancaster holden before the Chauncellour and Councell of that Court And alsoe in the Court of Exchequer of the County Palatine of Chester held before the Chamberlaine and Councell of that Court And to all Courts of like Jurisdiction to be hereafter erected ordained constituted or appointed as aforesaid And to the Warrants and directions of the Councell board and to the commitments restraints & Imprisonments of any Person or Persons made commanded or awarded by the Kings Majesty his Heires or Successors in theire owne person or by the Lords and others of the Privie Councell and every one of them

VIII. Limitation of Information, &c.

And lastly Provided and be it Enacted That no person or persons shall be sued impleaded molested or troubled for any offence against this present Act unlesse the party supposed to have so offended shall be sued or impleaded for the same within two yeares at the most after such time wherein the said offence shall be committed. (fn. 4)]

From: 'Charles I, 1640: An Act for [the Regulating the Privie Councell and for taking away the Court commonly called the Star Chamber.', Statutes of the Realm: volume 5: 1628-80 (1819), pp. 110-12. URL: http://www.british-history.ac.uk/report.asp?compid=47221. Date accessed: 24 September 2007.

B

PUBLIC NOTICE

THE COMMON LAW COURTS OF AUSTRALIA

BE IT KNOWN that the Commonwealth of Australia is a Common Law Jurisdiction and that all the Courts of Australia are Common Law Courts where Free Men can exercise their inalienable Right to Trial by Jury.

So essential to the preservation of Truth, Justice, Freedom and Democracy is the Right to Trial by Jury, that any denial of this Right constitutes Treason against the People of Australia. No Federal or State Parliament can abolish or diminish this Right protecting Life, Liberty and Property.

It is the duty and responsibility of Jurors to judge the facts and law presented to them, so that they can administer Justice to all parties in any action.

In any action, unless a Court obtains the clear and unequivocal consent of all parties to be without a Jury, that Court has no Jurisdiction to proceed summarily and any such awards, doings and proceedings shall be held to be null and void.



Datad:	•
Dateu	•••••
Signed:	***************************************
–	•••••
	Freeman-on-the-Land & Sovereign Human Being
	-oOo-

High Court of Australia Transcripts

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Wilson v The Prothonotary S127/1998 (16 April 1999)

IN THE HIGH COURT OF AUSTRALIA

Office of the Registry

Sydney No S127 of 1998

Between-

JOHN WILSON

Applicant

and

THE PROTHONOTARY

Respondent

Application for special leave to appeal

GAUDRON J

CALLINAN J

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY ON FRIDAY, 16 APRIL 1999, AT 2.17 PM

Copyright in the High Court of Australia

AUDRON J: Yes, Mr Wilson, you appear for yourself, do you?

MR J. WILSON: Yes, your Honour.

GAUDRON J: Yes, thank you.

MR T.L. BUDDIN. SC: May it please the Court, I appear on behalf of the respondent. (instructed by the Crown Solicitor for New South Wales)

GAUDRON J: Yes, Mr Wilson.

MR WILSON: I would like to start off with a few words as an introduction. I have made copies of these words, which I would like to read to the Court. Would your Honours like copies to follow

the words?

GAUDRON J: We have a transcript, thank you.

MR WILSON: OK. Contempt of court if contempt of court, whether it occurs inside or outside any court in the land. Contempt of court is the interference with the administration of justice, and

THIS IS THE ANNEXURE MARKED SWORN AT

is an offence against common law. Common law is a law of the States and it is a law of the Commonwealth. Section 80 of the Australian Constitution guarantees trial by jury on indictment of any offence against any law of the Commonwealth. Indictment includes an information and a presentment. There are no State laws which preclude trial by jury for contempt of court, and if there were, they would be invalid under section 109 of the Australian Constitution, and the covering clause of the Constitution Act, UK, says that:

This Act, and all laws made by the Parliament of the Commonwealth under the Constitution, shall be binding on the courts, judges and people of every State and of every part of the Commonwealth, notwithstanding anything in the laws of any State;

Covering clause 6 says:

"The States".....are parts of the Commonwealth.

As an Australian I am a subject of the Queen, and am entitled to the protection of the Crown and the charters such as Magna Carta, which guarantees the inalienable right of trial by jury. This right is further protected by other charters of the Crown, such as the Bill of Rights 1688 and the Petition of Right 1627. These rights and freedoms have been fought for and died for by countless enerations of men and women. Lest we forget. These charters are listed in the New South Wales Imperial Acts Application Act 1969 and an offence against them is punishable by imprisonment.

English common law and the rights and freedoms granted by the charters of the Crown are our heritage because we are a constitutional monarchy, and we are under the Crown of the United Kingdom and Great Britain and Ireland. These rights and freedoms are yours and mine. They belong to our children and our grandchildren. They belong to your children and grandchildren.

When what is now the United States of America broke away from the Crown, they were forced to draw up their Declaration of Independence to ensure the continuance of these same rights and freedoms, and their system of justice is founded on, and reliant upon, those charters of the Crown.

The role of the jury in the protection of liberty has been emphasised by numerous authorities and the High Court has the power to direct trial by jury in any suit. This case is of national importance because (a) it is in defence of Australians' rights, and (b) it exposes the seriousness of judicial corruption. I have documented my experiences through the courts over the last three years and ordinary people are amazed and horrified at what has happened.

Contempt of court is a serious offence and it is the only vehicle to bring the seriousness of judicial corruption before the people. A conviction for contempt of court is personally very serious to me because it would mean deregistration as a dentist and the destruction of my livelihood, which in turn would mean the dispossession of my home and the devastation of my family.

Trial by jury is trial by the country. With our heritage and the very survival of democracy at stake, the people must be educated and learn what is happening.

Judges are academics, and the weakest element in our community. They must be protected against subversion and must never be given absolute power whereby they can conceal their own incompetence, corruption and treachery. They have sworn to do right, but when they fail they must be accountable to the people. Without trial by jury for contempt of court, judicial corruption knows no bounds. That is my introduction. I have also filed - - -

GAUDRON J: Mr Wilson, you must address yourself to the question of error in the court below.

MR WILSON: That is my establishment, the fact that Justice Hidden has denied the right to trial by jury, and that is the error. It is a guarantee under Magna Carta and Magna Carta is in force in

Australia. That is the error. And what I am appealing for now is that Justice Hidden's ruling that Magna Carta has been overridden should be struck out, and that I am allowed my right to trial by jury.

The importance of trial by jury has been emphasised by many authorities. I have, and you have, the case of *Brown v The Queen*. In that the judges in the High Court emphasise the important role that trial by jury has in the administration of justice. On page 179 Chief Justice Gibbs said:

The requirement that there should be trial by jury was not merely arbitrary or pointless. It must be inferred that the purpose of the section must be to protect the accused - in other words, to provide the accused with a "safeguard against the corrupt or over-zealous prosecutor and against the compliant, biased, or eccentric judge" -

He goes on to say:

the jury is a bulwark of liberty, a protection against tyranny and arbitrary oppression, and an important means of securing a fair and impartial trial. It is true that the jury system is thought to have collateral advantages (e.g., it involves ordinary members of the public in the judicial process and may make some decisions more acceptable to the public) -

This is a common theme in the High Court.

GAUDRON J: Yes, but now, Mr Wilson, the procedures for dealing with contempt are dealt with in the rules of the Supreme Court, are they not?

MR WILSON: They are dealt with in a number of courts. They are dealt with in the High Court as well.

GAUDRON J: Well, so far as you are concerned, the procedures are dealt with in the Supreme Court Rules, are they not?

MR WILSON: No. In fact, I have a letter from the Supreme Court of New South Wales - I am sorry I did not put this one in - but it is from the Chief Executive Officer and Principal Registrar of the Supreme Court. The second paragraph says:

There is no State legislation which makes contempt of court an offence.

AUDRON J: Yes, but the procedures for dealing with contempt are set out, are they not, in the Supreme Court Rules?

MR WILSON: Yes, and I can find nowhere where they preclude trial by jury.

GAUDRON J: Do they say you can have trial by jury?

MR WILSON: It is my right to have trial by jury, and I am demanding that I have my right.

GAUDRON J: Well, that is what you have to establish. You cannot simply assert it, Mr Wilson, you have to establish it.

MR WILSON: Trial by jury for contempt of court is the will of the people. There was a referendum in 1988 whereby the politicians tried to change section 80 of the Constitution to exclude trial by jury for contempt of court, and the people said - - -

GAUDRON J: That is contempt of a court exercising federal jurisdiction.

MR WILSON: Contempt of court is contempt of court whether it is in any court of the land,

inside or out. In the Constitution it does not say anything to the contrary. Contempt of court is contempt of court, and the people expressed themselves very clearly by an overwhelming majority that trial by jury shall not be exempt for contempt of court. You have the voting figures there, you have the proposed alteration and that was rejected overwhelmingly by the people. It is the will of the people that there should be trial by jury for contempt of court.

The other side, the opponents, quote *Willesee* back in 1984 in which the judges then said that the practice of trial by jury for contempt of court was "obsolete". According to Magna Carta, the rights have been granted forever. So something that has been granted forever can never become obsolete. And also, in the Bill of Rights and also in the Petition of Right referring to - in fact the Petition of Right actually restates Magna Carta. There is a section where it says:

that no freeman may be taken or imprisoned or be disseised of his freehold or liberties, or his free customs, or be outlawed or exiled, or in any manner destroyed, but by the lawful judgement of his peers, or by the law of the land.

and the law of the land is the Constitution, which guarantees trial by jury.

GAUDRON J: Now, would you like to read section 80 of the Constitution, Mr Wilson?

MR WILSON: Read section 80?

GAUDRON J: Yes, that is what - and see exactly what it relates to.

MR WILSON: I will read section 80 of the Constitution. It says:

The trial on indictment of any offence against any law of the Commonwealth shall be by jury - - -

GAUDRON J: That is right, "against any law of the Commonwealth". You are charged with contempt of court of the Supreme Court of New South Wales.

MR WILSON: Which is part of the Commonwealth.

GAUDRON J: Well, it may be part of the Commonwealth, but it deals with - - -

MR WILSON: You cannot exclude New South Wales from the Commonwealth.

GAUDRON J: - - - it deals with a distinct area of judicial power. It involves a distinct area of judicial power.

CALLINAN J: Mr Wilson, both the Commonwealth - - -

MR WILSON: I am a bit hard of hearing and I ask you to speak louder.

CALLINAN J Both the Commonwealth and the States in Australia can make laws.

MR WILSON: And any law of a State - - -

CALLINAN J: No, no, you just listen to me for a moment - - -

MR WILSON: - - - which is inconsistent with a law of the Commonwealth is invalid under section 109.

CALLINAN J: No, Mr Wilson, you are not understanding what I am saying. They each can have laws within their own areas of power and the States have power to make laws for the regulation of the State courts, and that is, in effect, what you are charged with, breaking a law made for the regulation of proceedings in the State courts.

MR WILSON: And if that law is inconsistent with a law of the Commonwealth, that is invalid. And as reinforced by the Bill of Rights and by the Petition of Right, which says:

noe Declarations Judgments Doeings or Proceedings to the Prejudice of the People in any of the said Premisses ought in any wise to be drawne hereafter into Consequence or Example.

So, the precedent with Willesee where they said that - which is "to the Prejudice of the People" - is null and void. And also in the Bill of Rights it says the same thing:

that the awards, doings and proceedings, to the prejudice of your people in any of the premises, shall not be drawn hereafter into consequence or example -

So any time a court tries to disadvantage or take rights away from the people, those rulings are of no example, they are invalid.

There have been many learned people talk about the importance of trial by jury. I would refer to Chapter 1 of this essay by Lysander Spooner, and there they go to the importance, the fact that trial by jury is:

"palladium of liberty" - a barrier against the tyranny and oppression of the government - they are really meoppression of the government - they are really mere tools in its hands, for carrying into execution any injustic

So, in other words, only by putting such an important issue as contempt of court to the people can there be justice, and the court is purely here to administer justice, whether it is the High Court, Supreme Court or any court.

So, also the Universal Declaration of Human Rights, which is the United Nations Charter, also emphasises the importance of having "a fair.....and impartial tribunal". I cannot get a fair or impartial tribunal from any judge because I have found in the last three years, as I have put in this leaflet, which I have also submitted to the Court, that in my experience "Australian judges are liars, criminals and traitors", and I have listed their offences. I have gone into more detail in the publication which you also have before you in chapter 12, "What Crimes Have the Judges Committed". Now I list there the offences such as "Concealing a serious offence", ".....perverting the course of justice", "Judicial corruption". And there is no way other than trial by jury can I get an impartial tribunal.

So, fundamentally, the Constitution, section 80, guarantees trial by jury for any offence against any law of the Commonwealth and New South Wales is part of the Commonwealth. The will of the people must be respected. The will of the people was expressed in the referendum of 1988 in which they overwhelmingly ruled out any question that contempt of court shall be exempt from trial by jury.

So I can only say that in the interests of justice, there can only be trial by jury in my case. Thank you.

GAUDRON J: Thank you, Mr Wilson. We need not hear you, Mr Buddin.

The applicant's argument fails to distinguish between State laws regulating procedures in State courts and offences against the laws of the Commonwealth. Section 80 of the Constitution has nothing to say as to the former. It follows that the decision of the Court of Appeal is correct and special leave is refused.

MR WILSON: Could I interrupt there? Can the Court prove to me legally that I have no entitlement to trial by jury?

GAUDRON J: Do you seek costs, Mr Buddin?

MR BUDDIN: No, your Honour.

GAUDRON J: Special leave is refused, Mr Wilson, and the Court will now adjourn.

AT 2.36 PM THE MATTER WAS CONCLUDED

A Barrister's Blog (by Paul Cutler)

The lighter side of law

Declared Vexatious, May 27, 2013



On my way back from court last week, I saw John Wilson protesting in Queen's Square (again). Mr Wilson is a campaigner for the right to trial by jury and like may other crusaders he has made himself a "serial pest" in the courts. As it has been some time since I have seen him, curiosity got the better of me and I did a quick Austlii search to see what he's been up to recently.

It appears that Mr Wilson was declared a vexatious litigant in 2010 (see Attorney General of NSW v Wilson [2010] NSWSC 1008), a decision which he (of course) appealed (see John Wilson v The Attorney General of New South Wales [2011] NSWCA 10). In dismissing the appeal, Justice McColl succinctly summarises his activities as follows:

[3] The reasons of the primary judge contain a careful analysis of 14 sets of proceedings Mr Wilson commenced in the Court (and almost invariably took on appeal to this Court and by application for special leave to the High Court [see links in footnote below]) between 4 July 1996 and 17 October 2007.

[4] Mr Wilson has not challenged his Honour's analysis in any respect. Rather, his written and oral submissions have been directed to reiterating, among other matters, the underlying theme of many of those actions, namely,

that any legal action in which he is involved, including those before the primary judge, must be tried by a jury (a right said to be derived from the Bible, the Magna Carta and other instruments such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and historical sources). He also submits that judicial officers are not properly appointed and therefore have no jurisdiction over him. These submissions have been considered and rejected in many of the cases which form the basis of the Attorney General's application.

[5] In addition, as I understand Mr Wilson's oral submissions this morning, he alleges that the <u>Vexatious Proceedings Act</u> itself is ultra vires, apparently, again, because it does not permit trials by juries. Mr Wilson's written submissions also refer to principles of natural justice, in particular the rule against bias and the right to be heard, but make no submission that the hearing before the primary judge was affected by any breach of either of those principles. A reading of the transcript of the hearing and of the judgment make it plain that the primary judge approached the matter impartially and went to great lengths to ensure Mr Wilson was given an opportunity to be heard (despite the fact that he had to be removed from court at one stage due his constant interventions and over talking the judge).

If he had too much time on his hands previously, he'll have even more now!

Footnote: The transcripts of Mr Wilson's special leave applications in the High Court are interesting to read if you have time:

Wilson v The Prothonotary [1999] HCA Trans 108
Wilson v State of NSW [2001] HCATrans 623
Wilson v Deputy Commissioner of Taxation [2003]
HCATrans 403

Creative commons acknowledgment for the photograph.

COURT ATTENDANCE NOTICE to appear at DOWNING CENTRE LOCAL COURT on Thursday 2nd April 2015 at 9:30am: DETAILS OF OFFENCE/S

1. Inclosed Lands Protection Act 1901, Section 4(1)(b) Law Part Code 26634

Unlawful entry on inclosed lands between 10:29 am and 11:15 am on 13/03/2015 at Sydney. did without lawful excuse enter into the inclosed lands of The Law Courts NSW situate at 184 Phillip Street Sydney without the consent of the person apparently in charge of the said inclosed lands.

ANTECEDENT

The accused resided in the North Rocks area and appears to have had a number of ongoing issues with authorities over the years. The accused is an educated senior citizen having been a dentist in his working life. The accused resides with

his wife of forty nine years and receives a war pension. It that the accused will use this incident as a vehicle to broadcast his views to a wider audience.

FULL FACTS

On the 12 March, 2015 the accused went to the High Court registry at 184 Phillip Street, Sydney with an small group of vocal persons. The purpose of this visit was to lodge a writ against the Commonwealth claiming that the Commonwealth is practicing slavery and is therefore unlawful.

Prior to this the accused had been declared by the courts as a vexatious litigant resulting in a ruling under section 6.07.2 of the High Court Rules 2004. This rule is a direction to the Registrar to refuse to issue or file documents without leave of a justice.

The accused returned to the registry of the high court on the 13 March 2015 to follow up on his complaint. On this occasion the accused was supplied with documentation indicting that his complaint had been denied.

After receiving this information the accused went into the public area of the high court and immediately approached the full bench. Without introduction he commenced to address the judges that were presiding over the courts. At the time a large number of people were watching and participating in legal proceeding.

As a result one of the presiding judges made a judicial order to the court staff declaring that the accused be removed from the courts. Court staff then escorted the accused out of the building and called police.

About 10:50am police attended the courts and were informed about the nature of the complaint. As a result police approached the accused who at this time was outside the building in the forecourt. Police reminded the accused that he had effectively been banned from going into the courts. Police told the accused that if he returned to the courts that he would be arrested and charged for trespass. Police then left the accused to go about his business.

About 11:15am police received information that the accused had returned to the foyer and was attempting to get past security. Police attended immediately and saw the accused standing directly in front of a metal detector with two officers blocking his path. Police approached the accused and asked him to leave the building and once again reminded him that he would be arrested if he did not comply. At this stage the accused commenced to rant about the lawfulness of the Commonwealth and it was clear that he was not going to leave the building. Police placed the accused under arrest and he was taken to an awaiting police vehicle. Whilst being escorted out of the building the accused struggled against police and protested his arrest to passersby.

The accused was taken to Surry Hills Police Station and put before the custody manager. The accused was asked a number of question to which he gave complicated and confusing answers. The accused was then charged with the matter now before the courts.

..... Written by SGT ANTHONY DE FEUDIS, Sydney City Lac



HIGH COURT OF AUSTRALIA

Telephone (02) 9230 8369

Facsimile (02) 9230 8376

(02) 9230 8643

SYDNEY OFFICE OF THE REGISTRY Level 23, Law Courts Building Queens Square SYDNEY NSW 2000

ABN: 69 445 188 986

13 March 2015

Mr J. Wilson 19 Elm Place NORTH ROCKS NSW 2151

Dear Sir

I refer to the Writ of Summons and accompanying documents lodged at the Registry on 12 March 2015.

On 13 March 2015 a direction pursuant to Rule 6.07.2 of the *High Court Rules* 2004 was made by Chief Justice French. The terms of that direction are endorsed on the Application, which is returned together with the documents.

Yours faithfully

Matt Grey Deputy Registrar

IN THE HIGH COURT OF AUSTRALIA SYDNEY REGISTRY

No.

of 2015

BETWEEN:

John Wilson

Plaintiff

Pursuant to Rule 6.07.2 of the High Court
Rules 2004 I direct the Registrar to
refuse to issue or file this document without
the leave of a Justice first had and obtained

and

by the party seeking to issue or file it. COMMONWEALTH OF AUSTRALIA

Defendant

Chief Justice of the High Court of Australia

Dated /3 of Med 20/5

WRIT OF SUMMONS

TO THE DEFENDANT:

COMMONWEALTH OF AUSTRALIA, C/- Australian Government Solicitor, 25/133 Castlereagh St, Sydney NSW 2000.

TAKE NOTICE that this proceedings has been brought against you by the plaintiff for the claim set out in this Writ.

IF YOU INTEND TO DEFEND the proceeding you must file a notice of appearance in the office of the Registry named above.

IF YOU ARE WILLING TO SUBMIT to any order that the Court may make, save as to costs, you may file a submitting appearance in the office of the Registry named above.

John Wilson 19 Elm Place, North Rocks, NSW 2151 Tel: 0401 413 650

Ref: John Wilson

THE TIME FOR FILING AN APPEARANCE is as follows:

- (a) where you are served with the application within Australia 14 days from the date of service;
- (b) in any other case 42 days from the date of service.

CLAIM:

1. THAT, the Courts and Tribunals throughout the Commonwealth of Australia are practicing SLAVERY whereby free men and women are held to be SLAVES by virtue of the fact that they are denied their inalienable COMMON LAW RIGHT to TRIAL BY JURY.

RELIEF:

- 1. THAT the HIGH COURT OF AUSTRALIA issue a PUBLIC DECLARATION confirming the RIGHT to TRIAL BY JURY is the RULE OF LAW throughout the Commonwealth of Australia for the benefit of all free men and women.
- 2. THAT the HIGH COURT OF AUSTRALIA, in that same PUBLIC DECLARATION, confirm that the denial of the RIGHT TO TRIAL BY JURY to any free man or woman by any person holding plea in the Courts and Tribunals of Australia, is punishable by imprisonment for 5 years.

This writ was filed by the plaintiff.

Dated: 12 MARCH 2015

Plaintiff

The plaintiff's address is 19 Elm place, North Rocks, NSW 2151.

The plaintiff's address for service is 19 Elm Place, North Rocks, NSW 2151.